

**Report to
Legislative Council Rules Clearinghouse
NR Ch. 10, 13, 18 and 45 Wis. Adm. Code
Natural Resources Board Order Number WM-02-16**

Wisconsin Statutory Authority

Related to the overnight placement of tree stands on department managed lands, the agency is generally charged with the care, protection, and supervision of state lands by s. 23.11 Stats. Under s. 23.09 (2) (d) related to conservation and department lands, the agency is directed to provide an adequate and flexible system for the use of outdoor resources in this state and may promulgate such rules as are necessary.

The chapter on wild animals and plants, in s. 29.014, “rule making for this chapter”, establishes that the department shall maintain open and closed seasons for fish and game and any limits, rest days, and conditions for taking fish and game. This grant of rule-making authority allows the department to establish the periods of time during the day when hunting is allowed.

Federal Regulatory Analysis

Federal regulations allow states to manage the wildlife resources and lands located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

Comparison with Adjacent States

These rule change proposals do not represent significant policy changes and do not differ significantly from surrounding states. All surrounding states have regulations and rules in place for the management and recreational use of wild game and furbearer species and for the use of state owned lands for public hunting which are established based on needs that are unique to those state’s resources and public desires.

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

Currently the overnight, unattended placement of tree stands and ground blinds for hunting is not allowed on department managed lands. This regulation is designed to prevent the “staking out” or making advance claims to hunting locations in favor of a first-come-first served practice. However the overnight placement of stands is allowed on many other public lands which are not managed by DNR and may also be practical on department lands.

One policy alternative being evaluated through this rule process is a trial period of a number of years when the overnight placement of tree stands would be allowed on DNR managed lands north of State Hwy. 64. Use might be allowed during all seasons or could be more limited. This would provide experience to hunters who would be able to balance and compare the convenience of not having to carry and place a tree stand or blind for each hunt, especially for an aging demographic of hunters, with a philosophy of trying to reduce competition on public lands. Some hunters have observed that competition for hunting locations in areas north of Hwy. 64 is already reduced compared to times when people felt that deer were more abundant.

Under these rules, unattended tree stands would need to be marked with the owner’s department customer identification number or name and address. It would be illegal to cause damage to a tree, but careful pruning of limbs less than 1 inch in diameter would not be considered causing damage to the tree the stand is placed in. This would not permit cutting trees, brush and other vegetation for shooting lanes.

The rule addresses the types of questions that hunters will have about tree stand use on department lands. This proposal clarifies that any person may use a stand that is not occupied and being used by the owner and that stand placement does not reserve a location for exclusive use by any individual. However, the owner of the blind or stand would retain the authority to remove and relocate their stand at any time. It would be illegal to relocate a blind or stand that was lawfully placed by another.

The department would survey hunter's opinions and evaluate concerns that are identified during the trial period.

In statewide voting on a comparable advisory proposal at 2015 spring fish & wildlife hearings, voting was supportive with results of Ayes, 1,814; Noes, 1,687. The county vote included 45 in support, 26 opposed, and a tie in one. For counties with area north of State Hwy 64, support was stronger and included 15 in support, 5 opposed, and a tie vote in one.

For many species, the department has established "hunting hours" so that the times of day when hunting can occur are limited. Typically, hunting is only allowed from 30 minutes before sunrise until 20 minutes after sunset. For clarity of meaning, these rules would change the way the department describes the times of day when hunting is allowed for certain species, potentially identifying them as "shooting hours" rather than "hunting hours". In some people's view this would, for instance, clarify that it is legal to remain in a hunting blind or stand after hunting hours in order to observe game or prevent spooking game from an area as long as the person does not shoot.

Agency Procedures for Promulgation

The agency will hold hearings in April 2016 and request adoption by the Natural Resources Board. The agency will then obtain the governor's signature and submit the rules to the legislature for review.

Description of any Forms

None.

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